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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,313	04/24/2001	Kevin D. Weller	VISAP064/P-11700USD1	5667
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Beyer Law Group LLP/Visa P.O. BOX 1687 Cupertino, CA 95015-1687			EXAMINER WORJLOH, JALATEE	
			ART UNIT	PAPER NUMBER
			3685	
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			06/05/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/842,313	Applicant(s) WELLER ET AL.	
	Examiner Jalatee Worjloh	Art Unit 3685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-21, 32-40, 42 and 45-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-21, 32-40, 42, and 45-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5-15-09 & 11-6-2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This Office Action is responsive to the amendment filed March 26, 2009.
2. Claims 7-21, 32-40, 42, and 45-49 are pending.

Response to Arguments

3. Applicant's arguments, see page 10, filed March 26, 2009, with respect to the rejection(s) of claim(s) 7-21 and 32-46 under 35 USC 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of US Patent No. 6327578 to Linehan.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7-21 and 32-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Publication No. 2005/0131826 to Cook and of U.S. Publication No. 2001/0029496 to Otto et al. ("Otto") in view of US Patent No. 6327578 to Linehan.

Referring to claim 7, Cook discloses receiving, by said issuer, authentication information concerning said customer, associating a designated password with said account (see paragraph [0027]), receiving an authentication request message at an access control server operated by said issuer from said third party during said online transaction, said message requesting verification of the identity of said customer, requesting over a network, by said issuer from said customer

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during said online transaction, of an identity-authenticating password; verifying, by said issuer, that said identity-authenticating password from said customer matches password previously designated for said account and notifying said third party over said network during said online transaction, by said issuer, that said customer is the actual owner of said account when said identity-authenticating password entered by said customer matches the password that was previously designated for said account, whereby said issuer authenticates said customer for said third party during said online transaction (see claims 1, 4, 5, and 8). Cook does not expressly disclose verifying, by said issuer during a registration process, the identity of said customer as the owner of said account, said request message being routed via an Internet browser of a computer of said customer, and said notifying being routed via said Internet browser of said computer of said customer. Otto discloses verifying, by an issuer during a registration process, the identity of said customer as the owner of said account (see paragraphs [0037]-[0038]).

Linehan discloses said request message being routed via an Internet browser of a computer of said customer (see col. 4, lines 10-24), and said notifying being routed via said Internet browser of said computer of said customer (see col. 4, lines 25-41). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method of Cook to include the step of verifying, by said issuer during a registration process, the identity of said customer as the owner of said account, said request message being routed via an Internet browser of a computer of said customer, and said notifying being routed via said Internet browser of said computer of said customer. One of ordinary skill in the art would have been motivated to do this because it ensures that the user that is establishing the account is not fraudulent.

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Referring to claim 8, Cook discloses said issuer is an issuer financial institution and said third party is an online merchant, whereby said online merchant conducts an online financial transaction with said customer and wherein said account of said customer is maintained by said issuer financial institution (see abstract).

Referring to claims 9-11, Cook discloses querying, by said third party, said access control server to determine if an account of said customer is enrolled in an authentication service before said step of receiving, wherein the access control server determines if said customer account is enrolled by verifying that said customer account is contained in a database of enrolled customer accounts; querying a directory server to verify that said customer account is associated with an issuer financial institution that is participating in said payment authentication service, whereby said customer account is not enrolled with said payment authentication service if said customer account is not associated with an issuer financial institution (see paragraphs [0062], [0072], and [0073]).

Referring to claim 12, Cook discloses sending to said third party's computer system an Internet address for said access control server, said Internet address passing through said directory server before reaching said third party's compute system, whereby said Internet address for said access control server allows said third party to directly communicate with said access control server (see paragraph [0066]).

Referring to claim 13, Cook discloses reviewing a memory device controlled by said third party to verify that said customer account is associated with an issuer financial institution participating in said payment authentication service, whereby said customer account is not

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enrolled with said payment authentication service if said customer account is not associated with an issuer financial institution (see claim 11 above and paragraph [0110]).

Referring to claim 14-16, Cook discloses generating, by said issuer, a digitally-signed transaction receipt using a signature key of said issuer, sending, by said issuer, said digitally-signed transaction receipt confirms to said third party that the identity of customer has been authenticated, wherein said transaction receipt includes a number associated with said customer account, a transaction payment amount, and a transaction payment date, sending, by said issuer, a card authentication value to said third party, the card authentication verification value containing a unique value for said customer account and a specific payment transaction, whereby said card authentication verification value uniquely identifies a specific authentication payment transaction (see paragraphs [0105] & [0099]).

Referring to claim 17, Cook discloses verifying by said third party, said digitally signed transaction receipt such that said third party is assured that said transaction receipt was sent from a specific issuer (see paragraph [0111]).

Referring to claim 18, Cook discloses sending, by said third party, of an authentication message to an issuer financial institution to verify said customer account has adequate credit for a requested purchase (see paragraph [0099] & fig. 5).

Referring to claim 19, Cook in view of Otto and Linehan disclose receiving, by said issuer, said authentication information entered at an enrollment Internet web site by said customer, verifying, by said issuer that said enrollment information substantially matches information contained within a pre-existing database of customer information and storing said customer accounts (see claim 7 above).

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Claims 20, 21, 32-40, 42, 45-49 are rejected on the same rationale as claim 7 above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jalatee Worjloh whose telephone number is 571-272-6714. The examiner can normally be reached on Monday - Friday 10:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Calvin Hewitt II can be reached on 571-272-6709. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300 for regular communications and 571-273-6714 for Non-Official /Draft.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jalatee Worjloh/
Primary Examiner, Art Unit 3685